(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 1719 /2005

PETITIONER : Smt. Gaya Bai Kashyap
W/o. Gore Lal Kashyap
Aged about 60 years,
R/o.Malhar, P.S. Masturi
District Bilaspur (C.G.)

P.R. No. 1687/05
Presented by Shri Ramakrishna
dated 19.04.05

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through : Secretary
Revenue Department
D.K.S. Bhawan, Raipur (C.G.)

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2. State of Madhya Pradesh
Through : Secretary
Department of Revenue
Mantralaya Bhopal (M.P.)

3. The Collector
(Land Revenue Branch)
Bilaspur (C.G.)

4. The Commissioner
Bhu-Abhilekh Chhattisgarh
Raipur (C.G.)

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

(96)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.1719 OF 2005

Petitioner : Smt. Gaya Bai Kashyap

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Ramakant Pandey, counsel for the petitioner.
Mr. Arun Sao, Government Advocate for respondents No.1, 3 and 4.
None appears for respondent No.2.

ORDER
(Passed on 12th Day of December, 2006)

Learned counsel appearing for the petitioner submits that the husband of the petitioner, namely, Shri Gorelal Kashyap retired from the post of Revenue Inspector on 30-6-1997 on attaining the age of superannuation. During the period of his service, he was suspended in the year 1992 in the pending trial of an offence punishable under the Prevention of Corruption Act, 1988 (henceforth 'the Act, 1988'). After retirement, the husband of the petitioner was getting interim pension, but later on it was discontinued. He made several representations for grant of pension and other dues and thereafter filed a writ petition, being Writ Petition No.197 of 2005, for the same relief, on 17-1-2005. He died on 21-1-2005. Therefore, Writ Petition No.197 of 2005 was

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withdrawn and the present petition has been filed by the petitioner for grant of pension and other dues with interest.

2. Learned counsel appearing for respondents No.1, 3 and 4 submits that the husband of the petitioner was convicted under the provisions of the Act, 1988. Thereafter, an appeal under Section 394(2) of the Code of Criminal Procedure has been filed by the petitioner, which is pending consideration before the High Court. Thus, no amount of pension or any other retiral benefit has been paid to the petitioner.

3. Admittedly, the husband of the petitioner was convicted under the provisions of the Act, 1988 and the appeal filed by the petitioner against the conviction is pending consideration before the High Court. The respondents may release the provisional pension and other retiral benefits under provisions of law, if permissible, to the petitioner within a period of four weeks from the date of receipt of this order.

4. In view of the foregoing, learned counsel appearing for the petitioner submits that nothing survives in this matter for the time being.

5. Accordingly, the petition stands disposed of with the above-stated observation. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal